

Philip H. Gottfried (PG6278)
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- -X	
PETER FISH & CO. PTY. LTD. and	:
PETER FISH (HK) LTD.,	:
	:
Plaintiffs,	:
	:
v.	:
	:
STEVE WALTERSCHEID, PETER CUMMINGS	:
AND ZING TOYS, INC.,	:
	:
Defendants.	:
----- -X	

Civil Action No. 07 CV 10719 (PKC)

ECF Case

**AFFIRMATION OF SERVICE
OF SUMMONS AND COMPLAINT**

STATE OF NEW YORK:

ss:

COUNTY OF NEW YORK:

RICHARD CONTE declares and says as follows:

1. I am an Investigator employed by Counter-Tech Investigations, Inc. of 53 E. 34th Street, New York, New York 10016, over the age of 18 and not a party to the captioned Action.

2. On February 17, 2008, at approximately 11⁰⁰ A.m. at the Javits Center located at 655 W. 34th Street, New York, New York, on behalf of the above identified (Booth 1871)

plaintiffs, I served Mr. Peter Cummings on behalf of himself personally and as an officer of Zing Toys, Inc., with two copies of the following:

- (a) A Summons in the captioned matter issued by the United States District Court for the Southern District of New York;
- (b) An Amended Complaint in the captioned matter which has been filed with the Southern District Court;
- (c) The individual practices of Judge P. Kevin Castell and those of Magistrate Judge Eaton, to whom the case has been assigned;
- (d) Judge Castell's Order scheduling an initial pretrial conference for January 25, 2008 at 10:30 a.m. at Courtroom 12C at the United States Courthouse, 500 Pearl Street, New York, New York;
- (e) Memo endorsement by Judge Castell of December 18, 2007 on a letter from Philip H. Gottfried, Esq., attorney for plaintiffs dated December 17, 2007, adjourning the initial conference to February 29, 2008 at 9:30 ;
- (f) A letter dated February 17, 2008 from Philip H. Gottfried, Esq., attorney for plaintiffs;
- (g) A proposed draft letter to Judge Castell from Philip H. Gottfried, Esq. with an indication that defendants were to suggest insertions.

3. The individual described above was wearing a tag with his name and is described as a Caucasian male, approximately 5'9" tall, having BLOND hair and BLUE color eyes, and approximately 42 years of age.

4. I handed the above identified individual two envelopes each containing the above documents.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2008
New York, New York

Richard Conte

RICHARD CONTE, Investigator
Counter-Tech Investigations, Inc.
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